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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,910

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Taku Kodama

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8791

7590

05/02/2008

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EXAMINER

ABDI, AMARA

ART UNIT

PAPER NUMBER

2624

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/761,910	<b>Applicant(s)</b> KODAMA ET AL.	
	<b>Examiner</b> Amara Abdi	<b>Art Unit</b> 2624	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 31 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 35,36 and 38-41.  
 Claim(s) withdrawn from consideration: 1-34,37 and 42.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Jingge Wu/  
 Supervisory Patent Examiner, Art Unit 2624

/Amara Abdi/  
 Examiner, Art Unit 2624

Applicant's argument with respect to claims 35-36 and 38-41, have been fully considered, but they are not persuasive.

Applicant argues that Sano, Khan, and Miled, either taken separately or in combination, fail to teach or suggest, among other things, (i) setting one or a plurality of aspect ratios corresponding to a display unit of an external device, and (ii) setting one or plurality of image regions within the input image, having one or a plurality of aspect ratios that are set by (i) above, and setting boundaries of the divided regions subject to the compression process so as to match boundaries of the image regions.

However, in response to applicant's argument, Examiner would like to point out that claim language is given its broadest reasonable interpretation.

First, the method of Sano et al. is read on the broad claim language calls for "an image compression method and apparatus comprising: a compression unit to generate encoded data by dividing an input image into a plurality of divided regions and perform a compression process for each of the divided regions; a storage to store the encoded data generated by the compression unit; and an expansion unit to expand the encoded data stored in the storage", because the claim language does not specify the following details: "how to generate encoded data and performing a compression process", "how to store the encoded data generated by the compression unit", and "how to expand the encoded unit data stored in the storage". That any method of image compression which comprises the generating of encoded data and performing a compression process, storing the encoded data, and expanding the encoded data could be read the broad claim. The specification is not measure of the invention. Thus, any limitation in the specification can not be read into the claim for the purpose of avoiding the prior art. *Ir re Sporck*, 55CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968).

Second, in response to the Applicant's arguments about the combination of Sano, Khan, and Miled, the Examiner would like to point out the following precision:

(a) Regarding the combination of Sano and Khan References:

Sano et al. disclose an image compression method and apparatus (column 1, line 19-20) comprising:

a compression unit (step S1 in Fig. 31) to generate encoded data by dividing an input image into a plurality of divided regions (column 20, line 11-12) and perform a compression process for each of the divided regions (column 20, line 6-7);

a storage (101 in Fig. 33) to store the encoded data generated by the compression unit (column 21, line 20); and an expansion unit (S16 in Fig. 32) to expand the encoded data stored in the storage (column 20, line 47-50).

Sano et al. does not explicitly teach the setting of one or a plurality of aspect ratios corresponding to a display unit of the external device.

Kahn et al., teaches the setting of one or a plurality of aspect ratios (Fig. 7, paragraph [0150], line 1-12) corresponding to a display unit of the external device (paragraph [0012], line 1-2).

All the elements are known in references of Sano et al. and Kahn et al. The only difference is the combination of the image processing apparatus which comprises the generating of encoded data and performing a compression process, storing the encoded data, and expanding the encoded data with the setting of one or plurality of aspect ratio.

In addition, the KSR states:

"All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention"

Thus, it would have been obvious to one having ordinary skill in the art to use the setting of one or plurality of aspect ratio as taught by Kahn et al. with the image processing apparatus as shown by Sano et al., since the setting of one or plurality of aspect ratio could be used in combination with the image processing apparatus to achieve the predictable results of making the information capture device more convenient to use, and may make synchronization of information /recharging of the device more convenient (paragraph [0080], line 1-4).

(b) Regarding the combination of Sano and Miled References:

As discussed above, Sano et al. teaches an image compression which comprises the generating of encoded data and performing a compression process, storing the encoded data, and expanding the encoded data. Kahn et al. does teach the setting of one or a plurality of aspect ratios. To link the Sano et al. and Kahn et al. references for an understandable rationale, The Examiner has introduced the prior art reference of Miled et al. (US-PGPUB 2004/0091158). Miled et al., the setting of one or a plurality of image regions within the input image (paragraph [0084], line 19-21), and the setting of boundaries of the divided regions subject to the compression process of the compression unit (paragraph [0084], line 15-18) so as to match boundaries of the image regions (paragraph [0064], line 1-4).

All the elements are known in references of Sano et al. and Miled et al. The only difference is the combination of the image processing apparatus which comprises the generating of encoded data and performing a compression process, storing the encoded data, and expanding the encoded data, with the setting of one or a plurality of image regions within the input image, and the setting of boundaries of the divided regions subject to the compression process of the compression unit so as to match boundaries of the image regions.

In addition, the KSR states:

"All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention".

Thus, it would have been obvious to one having ordinary skill in the art to use the setting of one or a plurality of image regions within the input image, and the setting of boundaries of the divided regions subject to the compression process of the compression unit so as to match boundaries of the image regions, with the image processing apparatus as shown by Sano et al., since the setting of boundaries of the divided regions subject to the compression process of the compression unit so as to match boundaries of the image regions could be used in combination with the image processing apparatus to achieve the predictable results of tracking at least a portion of an object in a sequence on images (paragraph [0013], line 1-5).

Therefore, 35, 38, and 40 and their independent claims are still not in condition for allowance.